UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MASAKI MORIMATSU and TAKEO ITO

Appeal No. 2006-0787
Application No. 09/723,016

ON BRIEF

Before HAIRSTON, MACDONALD, and RUGGIERO, Administrative Patent Judges.

RUGGIERO, Administrative Patent Judge.

ON REQUEST FOR REHEARING

Appellants request that we reconsider our decision of July 28, 2006 wherein we sustained the Examiner's rejection of claims 1-5 and 10 based on the Makoto reference. We have reconsidered our decision of July 28, 2006 in light of Appellants' comments in the Request for Rehearing, and we find no error therein. We, therefore, decline to make any changes in our prior decision for the reasons which follow.

Appellants initially contend that our prior decision misinterprets the language of the appealed claims as well as misconstrues the teachings of the Makoto reference. We find no error however, in our interpretation of the disclosure of Makoto, nor in our conclusions drawn therefrom, as expressed in our prior decision.

In particular, Appellants contend (Request, page 1) that our prior decision improperly interpreted the term "integral" as used in the appealed claims to describe the terminal portion of the core bobbin and the arrangement of the wiring conductors on the bobbin coil winding receiving portions. According to Appellants (id.), a connection of elements can only be considered to be "integrally connected" if the disassembly of such elements could not be accomplished without destroying the connection. In Appellants' view, therefore, a bolted or snapped together construction of elements, such as alleged by Appellants to exist in Makoto, cannot be considered to be an "integral" connection as claimed.

We have reviewed the evidence supplied by Appellants in the Request and we simply find no support for the claim interpretation urged by Appellants. For example, although Appellants have supplied several pages from a Classification Manual issued by the U.S. Patent & Trademark Office which use the term "integral" in various subject matter class definitions, we find nothing in these pages, nor have Appellants pointed to anything, which would support Appellants' position. Further, in our view, the definition of "integral" offered by Appellants from Webster's Seventh New Collegiate Dictionary," i.e., "formed as a unit with another part," in no way supports the restrictive interpretation of "integral" asserted by Appellants. We also make the observation that the Makoto reference, throughout the detailed description of the disclosed invention (e.g., pages 3-6, 8, 10, 11, and 15-17 of the English language translation), repeatedly refers to the structural components as being "integrally" formed or interconnected.

We also find to be unpersuasive Appellants' related argument that the claim 5 requirement that the mating bobbin halves be "molded" is an even more permanent recitation of "integration" which distinguishes over Makoto since "destruction of at least a portion of the molded body must occur to effect disassembly." (Request, page 2). As discussed supra, we find

no convincing evidence on the record before us that convinces us that the term "integral" must be given the restrictive interpretation asserted by Appellants, i.e., requiring a destruction of a structural connection to effect disassembly.

In conclusion, based on the foregoing, we have granted Appellants' request to the extent that we have reconsidered our decision of July 28, 2006, but we deny the request with respect to making any changes therein.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv)(effective September 13, 2004; 69 Fed. Reg. 49960 (August 12, 2004); 1286 Off. Gaz. Pat. and TM Office 21 (September 7, 2004).

REHEARING/DENIED

KENNETH W. HAIRSTON)
Administrative Patent Judge)
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JOSEPH F. RUGGIERO) BOARD OF PATENT
Administrative Patent Judge) APPEALS
) AND
) INTERFERENCES
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ALLEN R. MACDONALD)
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